



# NEWS

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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 26, 2002**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-145 People v. Celis, S107885. (D037578; 98 Cal.App.4th 621.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issue: Can police make a protective sweep of a residence incident to the detention of a resident outside the residence?

#02-146 People v. Garcia, S108472. (C038797; 99 Cal.App.4th 38.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant entitled to have the disposition of his conviction for possession of a controlled substance set in accordance with the provisions of the Substance Abuse and Crime Prevention Act of 2000 (Prop. 36, General Elec. (Nov. 7, 2000)), or was that enactment inapplicable because defendant was also convicted of misdemeanor petty theft of the drugs he possessed? (See Pen. Code, § 1210.1, subd. (b)(2).)

#02-147 In re Marriage of Lamusga, S107355. (A096012; unpublished opinion.) Petition for review after the Court of Appeal reversed an order in a marital dissolution action. This case presents the following issue: Under In re Marriage of Burgess (1996)

(over)

13 Cal.4th 25, what factors properly may be considered, and what standard should be applied, when a trial court evaluates a custodial parent's relocation request?

#02-148 Rosen v. State Farm General Ins. Co., S108308. (B146516; 98 Cal.App.4th 1322.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issue: When a homeowner insurance policy expressly limits coverage for "collapse" of a structure to structures that have "actually fallen down or fallen into pieces," does public policy nonetheless preclude the insurer from denying coverage for expenses incurred by the insured to forestall the "imminent collapse" of the structure?

#02-149 Stockett v. Association of California Water Agencies Joint Powers Ins. Authority, S108220. (C035330; unpublished opinion.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Did the Court of Appeal properly reverse a judgment in favor of a public employee in an action for wrongful termination in violation of public policy, when some of the alleged violations of public policy that were presented to the jury in the wrongful termination action were not specifically identified in the claim that the public employee filed with the public entity prior to commencing the court action?

#02-150 People v. Mack, S108531. (C037421; 99 Cal.App.4th 329.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in In re Martinez, S103581 (#02-30) and People v. Ordaz, S102904 (#02-31), which present the following issue: Is a defendant who has been reconvicted after his or her initial conviction was reversed on appeal entitled to presentence credit under Penal Code section 4019 for the time the defendant spent in prison serving his or her original sentence before the initial conviction was reversed?

## **STATUS**

The following cases were dismissed and remanded to the Court of Appeal:

#01-164 Krough v. Reynolds Packing, Inc., S101309.

#02-77 In re Jerry P., S104863.

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